

REMARKS/ARGUMENTS

I. STATUS OF THE CLAIMS

Claims 1, 2, 4-13, 15-27, and 35-36 were pending. Claims 4-6 are allowed. Claims 18-21 and 24 are objected to as being depending upon a rejected base claim but allowable if rewritten in independent form. New claims 3 and 28-30 are added herein. Thus, it is submitted that claims 1-13, 15-30, and 35-36 are submitted for consideration herein.

II. EXAMINER INTERVIEW HELD ON MAY 2, 2006

The Applicant sincerely wishes to thank Examiner Mosser for his time on May 2, 2006, to discuss this Application. The amendments and comments presented herein are based on that discussion.

II. REJECTION OF CLAIMS 1-2, 7-9, 15-17, 22-23, 25-27 AND 35-36 UNDER 35 U.S.C. § 103(A)

Claims 1-2, 7-9, 15-17, 22-23, 25-27 and 35-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haber (US patent no. 6,896,264).

Haber discloses a game in which a player can wager on the sum of two consecutive rolls of a die. The player can bet whether the sum will be higher than a predetermined number (e.g. 7) or lower. The player can also bet on the outcome of the rolls by betting on a particular number (e.g. 2 through 12).

Haber does not disclose a piece which moves in a direction. Chips can be placed on betting areas to place and pay bets. However these chips are not moved based on a random number generator since they are fixed in a single position (e.g. a player wagers on the number 4, and the number 5 is rolled, then the player's chips on the number 4 betting circle are taken.)

Claim 1 (as amended) recites, "displaying a linear playing field comprising a plurality of discrete positions including with a center and a first end and a second end and a piece in an initial position;

receiving a first wager that the piece will reach a first desired end comprising either the first end or the second end;
moving the piece in either direction on the field to a further position which is one of the plurality of discrete positions, in accordance with a random number generator;
receiving a second wager that the piece will reach a second desired end; ~~with a payout on the second wager reflecting chances that the piece will be moved to reach the second desired end from the further position;~~ and
continuing the moving of the piece until the piece reaches either the first end or the second end, and then accounting for the first wager and the second wager,
wherein payouts on the second wager vary depending on the further position and the second desired end."

Note that nothing in the prior art discloses or suggests the "discrete positions . . . wherein payouts on the second wager vary depending on the further position and the second desired end" as amended. In the prior art, payouts are the same regardless of a location of a piece.

New claims 3 and 28 recite, "wherein, for the second wager, a particular discrete position has an associated particular first end payout for the piece to reach the first end and an associated particular second end payout for the piece to reach the second end, and a different discrete position has an associated different first end payout for the piece to reach the first end and an associated different second end payout for the piece to reach the second end, the particular first end payout and the different first end payout being different from each other." This feature is not taught or suggested in any of the prior art.

New claims 29-30 recite, "wherein payouts on the second wager are determined by a matrix which has two payouts associated with discrete positions on the playing field, one payout for the piece to reach the first end from the associated discrete position and one payout for the piece to reach the second end from the associated discrete position, the two payouts are different for different discrete positions." This feature is not taught or suggested in any of the prior art.

Therefore, in view of the above amendments, withdrawal of the rejections is respectfully requested.

III. REJECTION OF CLAIMS 10-12 UNDER 35 U.S.C. § 103(A)

Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over

Haber in view of "Sink or Swim."

Claims 10-12 are dependent upon claim 1, which for the above reasons, should be allowed over the prior art.

IV. NEW CLAIMS 3 AND 28-30

New claims 3 and 28-30 are submitted herein which disclose additional features not taught or suggested by the prior art, and it is submitted that these claims are allowable.

V. REQUEST FOR ALLOWANCE OR NON-FINAL ACTION

New claims 3, and 28-30 are new and present new issues for patentability. Thus if this Amendment does not result in a Notice of Allowance being issued, a non-final office action would only be proper.

Appl. No. 10/688,898
Amendment dated July 13, 2006
Reply to Office Action Dated April 13, 2006

VI. CONCLUSION

In view of the above amendments and remarks, it is submitted that the application is now in condition for allowance, and an early notice of allowance is requested.

If there are any issues the Examiner wishes to discuss with the Applicant, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,

Muskin & Cusick

By /Jon H. Muskin #43,824/

Jon. H. Muskin

Reg. No. 43,824

Customer # 43,536

Tel (215) 853-8257